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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/701,469

11/03/2003

Thomas S. Hicks

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10/27/2006

BROOKS KUSHMAN P.C. / LEAR CORPORATION  
1000 TOWN CENTER  
TWENTY-SECOND FLOOR  
SOUTHFIELD, MI 48075-1238

EXAMINER

VANTERPOOL, LESTER L

ART UNIT

PAPER NUMBER

3782

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

Application No.

10/701,469

**Applicant(s)**

HICKS ET AL.

**Examiner**

**Lester L. Vanterpool**

<b>Art Unit</b>
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3782

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on August 18, 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 1-4 & 6-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 3, 6 – 9 & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (U.S. Patent Number 5823724). Lee discloses the track (18) having the first wall (19) (See Figure 1) and the second wall (37) (See Figure 1) that define the interior cavity (See Figure 1) wherein the first wall (19) (See Figure 1) has the slot (20) (See Figure 1), the track (18) attached to the interior structure (22 & 27) (See Figures 1 & 2); and at least one bracket (45) (See Figure 2) secured to the track (18) (See Figure 2), each bracket (45) having the cam (See Figure 2) on the inner end and the receptacle (See Figures 2 & 4) (which meets the limitation of applicant's invention) on the outer end (See Figure 2) (See Column 3, lines 23 – 25), the cam (See Figure 2) having the neck (See Figure 2) that receives the slot (20) of the track (18) with the cam (See Figure 2) received in the interior cavity of the track (18) in the range of positions and being selectively locked to the track (18) at the selected position on the track (18) (See Figure 1 – 3).

Regarding claim 2, Lee further discloses the track (18) further comprises the cam lock bar (19) disposed inside the interior cavity of the track (18) (See Figures 1 & 2) and extending parallel to the slot (20), the cam lock bar (19) cooperating with the cam (45) that is placed in the first orientation (See Figures 2 & 4) to move the bracket (45) relative to the track (18) and is placed in the second orientation to lock the bracket (45) to the track (18).

Regarding claim 3, Lee further discloses the cam lock bar (19) further comprises two spaced bars that each have the undulating edge formed by the series of smoothly curved surfaces wherein the bars are located in the opposing relationship to define the space between the edges that is arranged in the repeating pattern of narrow and wide areas (See Figures 1 – 4 & 6).

Regarding claim 6, Lee further discloses the track (18) is secured to the visible surface (See Figure 1) of the interior structure (27 & 28) (See Figure 1).

Regarding claim 7, Lee further discloses the integral track (18) (See Figure 1) formed, in part, by the enclosure (10) (See Figure 1) that is secured to the back side of the interior panel (18) (See Figure 1), the interior panel (18) defining the slot (20) (See Figure 1); and at least one bracket (See Figure 2) secured to the track (18), each bracket (See Figure 2) having the cam (See Figure 2) on the inner end and the

receptacle on the outer end (See Figure 2), the cam (See Figure 2) having the neck that receives the slot (20) of the interior panel (18) with the cam (See Figure 2) being received in the enclosure (See Figure 1) in the range of positions and being selectively locked to the track (18) at the selected position on the track (18), wherein the enclosure (10) (See Figure 1) is secured to the back surface of the interior panel (18) (See Figures 1 & 2).

Regarding claim 8, Lee further discloses the cam lock bar (19) (See Figure 1) is disposed within the enclosure (10) (See Figures 1 & 2) that is secured to the back surface of the wall (25 & 26) of the interior structure (23 & 27) (See Figures 1 & 2).

Regarding claim 9, Lee further discloses the enclosure (10) (See Figure 1) has flanges (15) (See Figures 1 & 2) that is provided on opposite sides of the cam lock bar (19) (See Figure 1) to secure the enclosure (10) (See Figure 1) to the wall of the interior structure (22, 24, 25, 26 & 27) (See Figures 1 & 2).

Regarding claim 12, Lee further discloses the receptacle (See Figures 2 & 4) (which meets the limitation of applicant's invention) on the outer end of the bracket (45) having the hook (See Figure 2) on which articles (See Figure 2) may be attached (See Figures 2 & 4).

3. Claim 1, 2, 6, 10 & 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hammond et al., (U.S. Patent Number 6585465). Hammond et al., discloses the track (20) having the first wall (26) (See Figure 1) and the second wall (24) (See Figure 1) that define the interior cavity (See Figure 1) wherein the first wall (26) (See Figure 1) has the slot (38) (See Figure 2), the track (20) attached to the interior structure (16) (See Figures 1 & 2); and at least one bracket (37) (See Figure 2) secured to the track (20) (See Figure 2), each bracket (37) having the cam (48) (See Figures 3 – 5) on the inner end and the receptacle (22) on the outer end (which meets the limitation of applicant's invention) (See Figures 3 – 5), the cam (48) (See Figure 3) having the neck (44B) (See Figures 3 & 5) that receives the slot (34) (See Figure 5) of the track (20) with the cam (48) (See Figure 3) received in the interior cavity of the track (20) (See Figures 2 & 5) in the range of positions and being selectively locked to the track (20) at the selected position on the track (20) (See Figure 1 – 3).

Regarding claim 2, Hammon et al., further discloses the track (20) further comprises the cam lock bar (36A & 36B) disposed inside the interior cavity of the track (20) (See Figure 3) and extending parallel to the slot (34) (See Figure 3), the cam lock bar (36A & 36B) cooperating with the cam (48) that is placed in the first orientation (See Figure 2) to move the bracket (37) relative to the track (20) and is placed in the second orientation to lock the bracket (37) to the track (20) (See Column 5, lines 23 – 65).

Regarding claim 6, Hammon et al., further discloses the track (20) is secured to the visible surface of the interior structure (See Figure 1).

Regarding claim 10, Hammond et al., further discloses the interior structure (See Figure 1) is the side wall (16) of the vehicle (10) facing the inside of the vehicle (10) (See Figure 1).

Regarding claim 16, Hammon et al., further discloses the bracket (37) is rotatable about the axis of rotation when inserted in the track (20) and the receptacle (22) (which meets the limitation of applicant's invention) on the outer end of the bracket (37) defines the holder (22) oriented at the first radial position and wherein the socket is oriented at the second radial position on the outer end (See Column 5, lines 23 – 65).

4. Claims 1, 6, 12, 13 & 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson et al., (U.S. Patent Statutory Invention Registration Number H1834). Wilson et al., discloses the track (12) having the first wall (See Figure 1) and the second wall (See Figure 4) that define the interior cavity (See Figure 3) wherein the first wall (See Figure 1) has the slot (18), the track (12) attached to the interior structure (See Column 3, lines 38 – 40); and at least one bracket (20) secured to the track (12) (See Figures 1 – 3) (See Column 3, lines 56 – 60), each bracket (20) having the cam (38) on the inner end and the receptacle {(See Column 3, line 63 – 64) (See Figure 3) & (326) (See Column 6, lines 31 – 32) (See Figure 24)} on the outer end, the cam (38)

having the neck (36) that receives the slot (18) of the track (12) with the cam (38) received in the interior cavity of the track (12) in the range of positions and being selectively locked to the track (12) at the selected position on the track (12) (See Figure 1 – 3).

Regarding claim 6, Wilson et al., further discloses the track (12) is secured to the visible surface of the interior structure (See Column 3, lines 35 – 40).

Regarding claim 12, Wilson et al., further discloses the receptacle {(See Column 3, line 63 – 64) (See Figure 3) & (326) (See Column 6, lines 31 – 32) (See Figure 24)} on the outer end of the bracket (20) having the hook (306) (See Figure 24) on which articles (304, 320 & 321) may be attached (See Figure 24).

Regarding claim 13, Wilson et al., further discloses the hook (306) (See Figure 24) defines the hole (See Figure 24) to which articles (332, 304, 320 & 321) may be secured (See Column 6, lines 47 – 50) (See Figure 24).

Regarding claim 15, Wilson et al, further discloses the bracket (20) (See Figure 3) having the hook (306) (See Figure 24) on the outer end and the socket (See Phantom lines in Figure 24) on the outer end and wherein the plug (328) is provided on the article (304) to be supported by the assembly (See Figure 24), the plug (328) is



adapted to be received in the socket (326) (See Phantom lines in Figure 24) (See Column 6, lines 47 – 50) (See Figure 24).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson, et al., (U.S. Patent Statutory Invention Registration Number H1834) as applied to claim 1 above, and further in view of Whitehead (U.S. Patent Number 4554692). Wilson et al., discloses the invention substantially as claimed.

However, Wilson et al., does not disclose the track having the keyhole opening at the point along the slot that the brackets are inserted into to be secured to the track.

Whitehead teaches the track (36) has the keyhole opening (58) at the point along the slot (60) that the brackets (10) are inserted into to be secure to the track for purpose of providing easy alignment.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the track having the keyhole opening at the point along the slot that the brackets are inserted into to be secured to the track as taught by

Whitehead with the accessory strip assembly for a vehicle that is supported by an interior structure of the vehicle of Wilson in order to enhance easy alignment.

Regarding claim 18, Wilson et al., discloses the invention substantially as claimed. Wilson et al., discloses the article (22) to be supported by the bracket (20) on the track (12) (See Figure 1).

However, Wilson et al., does not disclose the article to be supported by the bracket on the track is selected from the group comprising: a bag; a flash light; a first aid kit; an accessory bag; an umbrella, a cooler; and an emergency road kit.

It would have been obvious matter of design choice to have the article to be supported by the bracket on the track to be a bag, a flash light, a first aid kit, an accessory bag, an umbrella, a cooler and an emergency road kit, since applicant has not disclosed that having the article to be supported by the bracket on the track to be a bag, a flash light, a first aid kit, an accessory bag, an umbrella, a cooler and an emergency road kit solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the sun visor.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond et al., (U.S. Patent Number 6585465 B1) as applied to claim 1 above, and further in view of Watkins (U.S. Patent Number 6116485). Hammond et al., discloses the invention substantially as claimed.

However, Hammond et al, does not disclose the interior structure is the seat back of the vehicle seat.

Watkins teaches the interior structure is the seat back of the vehicle seat (See Figure 7) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the interior structure the seat back of the vehicle seat as taught by Watkins with the accessory strip assembly for a vehicle that is supported by an interior structure of the vehicle of Hammond et al., in order to enhance multi-functional capabilities.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al., (U.S. Patent Statutory Invention Registration Number H1834) as applied to claim 13 above, and further in view of Prue (U.S. Patent Number 4969917). Wilson discloses the invention substantially as claimed.

However, Wilson et al., does not disclose the article is the bungee cord having the spring hook that is inserted into the hole defined by the hook.

Prue teaches the article is the bungee cord (12) having the spring hook (16) that is inserted into the hole (18) defined by the hook (See Column 2, lines 13 – 15) (See Figure 1) for the purpose of providing security with durable flexibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the article the bungee cord having the spring hook that is

inserted into the hole as taught by Prue with the accessory strip assembly of Wilson et al., in order to enhance security with durable flexibility.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond et al., (U.S. Patent Number 6585465 B1) as applied to claim 16 above, and further in view of Wilson et al., (U.S. Patent Statutory Invention Registration Number H1834). Hammond et al., discloses the invention substantially as claimed.

However, Hammond et al., does not disclose the plug that is provided on the article to be supported by the track when the plug is inserted in the socket.

Wilson et al., teaches the plug (328) that is provided on the article (304) to be supported by the track (12) when the plug (328) is inserted in the socket (See Phantom lines in Figure 24) (See Column 6, lines 47 – 50) (See Figure 24) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the plug that is provided on the article to be supported by the track when the plug is inserted in the socket as taught by Wilson et al., with the accessory strip assembly for a vehicle that is supported by an interior structure of the vehicle of Wilson in order to enhance multi-functional capabilities.

***Allowable Subject Matter***

10. Claim 5 is allowed.

***Response to Arguments***

11. Applicant's arguments with respect to claim 1 – 4 & 6 – 18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
LLV

  
**JES F. PASCUA**  
**PRIMARY EXAMINER**